

REMARKS

In the Office Action dated April 8, 2005, the Examiner rejected all the pending claims (1-48) as anticipated by *Naylor* (U.S. Patent No. 3,142,461). Applicants respectfully disagree that each of claims 1 through 48 are anticipated by *Naylor*, and have amended the claims to clarify the novel aspects of the present invention. Accordingly, the Applicant reserves the right to pursue the previously presented unamended claims in future continuation, divisional, and continuation-in-part applications.

SECTION 102 REJECTIONS

Claims 1 through 48 were rejected under 35 U.S.C. 102(b) as anticipated by *Naylor*. The Examiner indicated that *Naylor* shows a payload panel 14 secured to means 11 and 12 recessed below a panel 13 with side ends of 14 that go over the top of 12. Applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

Under Section 102, every limitation of a claim must *identically* appear in a single prior art reference for it to anticipate the claim. *See Gechter v. Davidson*, 116 F.3d 1454 (Fed. Cir. 1997). There must be *no difference* between the claimed invention and the reference disclosure. *See Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Anticipation can be found only when the reference discloses *exactly* what is claimed. *See Titanium Metals Corp. v. Banner*, 778 F.2d 775 (Fed. Cir. 1985).

Naylor (U.S. 3,142,461)

Naylor teaches internal fittings for aircraft, which may be used for aircraft passenger seating arrangements. According to *Naylor*, seat-carrying pallets 14 are positioned within an aircraft on longitudinal guide rails 12 which are bolted to a floor 10 of the aircraft. (2:10-12; 2:14-15). The guide rails 12 include horizontal flanges 18, (2:24-25), and the pallets 14 include

base portions 16 that extend transversely between associated guide rails 12, (2:21-24). In relevant part, Naylor further specifies that the “horizontal flanges 18 of the guide rails overlie ledges 19 along the sides of the pallet base portion 16 whereby the rails hold the pallet and the seats it carries against vertical as well as lateral movement.” (2:24-27) (emphasis added), Unlike the apparatus taught by Applicants, the guide rails 12 of Naylor do not support the pallets 14, but rather “guide the pallets and restrain them from lateral movement.” (2:6-7). According to Naylor, the pallet base portions 16 are supported by conveyors 11 (e.g. rollers) which are positioned below the base portions 16 on the floor of the aircraft.

Claims 1, 3, and 5-16

As amended, claim 1 recites a payload assembly adapted to be secured to a support structure having a plurality of elongated, spaced apart supports, comprising a payload member adapted to be positioned proximate the support structure; *at least one payload support coupled to the payload member and adapted to span between an adjacent pair of elongated supports of the support structure, the at least one payload support having first and second end portions that are adapted to engage with a top surface of each of the adjacent pair of elongated supports, the at least one payload support being adapted to beam loads from the payload member to the adjacent pair of elongated supports, the at least one payload support further being adapted to be disengagable from the adjacent pair of elongated supports and moveable with the payload member relative to the support structure.* (emphasis added).

Naylor does not disclose, teach or fairly suggest the apparatus recited in claim 1. Specifically, Naylor does not teach or suggest an assembly that includes a payload member having *at least one payload support coupled to the payload member and adapted to span between an adjacent pair of elongated supports of the support structure, the at least one payload support having first and second end portions that are adapted to engage with a top surface of each of the adjacent pair of elongated supports* as recited in claim 1. Naylor teaches a

completely opposite structural arrangement whereby “horizontal flanges 18 of the guide rails overlie ledges 19 along the sides of the pallet base portion 16 whereby the rails hold the pallet and the seats it carries against vertical as well as lateral movement.” (2:24-27) (emphasis added). Thus, Naylor does not anticipate or render obvious the apparatus recited in claim 1.

Naylor also does not teach or fairly suggest *the at least one payload support being adapted to beam loads from the payload member to the adjacent pair of elongated supports* as recited in claim 1. As note above, Naylor teaches that the guide rails 12 merely “guide the pallets and restrain them from lateral movement.” (2:6-7), and that the pallet base portions 16 are supported by the conveyors 11. Thus, claim 1 is patentable over Naylor for this additional reason.

Claims 3 and 5-16 depend from claim 1 and are allowable over Naylor for the same reasons as claim 1 and also due to additional limitations contained in those claims. For example, claim 5 recites the payload assembly of Claim 1, wherein the payload member includes a primary payload component coupled to the at least one payload support, the primary payload component including at least one of a galley, a lavatory, a passenger seat, an attendant seat, a cargo container, a section partition, a fireplace, a shelf, and an article of furniture. Other than a passenger seat, these additional limitations are also not taught or fairly suggested by Naylor.

In addition, claim 7 includes a further limitation that is not disclosed in *Naylor*. Claim 7 includes a recess disposed within an edge of the payload panel and an upper portion in the payload support that is fittingly engaged into the recess. Naylor does not teach a payload support with an upper portion, nor does Naylor teach or suggest a recess formed in the panel to fittingly engage with the upper portion of the support. Accordingly, Naylor does not teach or fairly suggest the additional limitations recited in claim 7.

In addition, claim 8 recites the payload assembly of Claim 1, wherein the at least one payload support includes including at least one of a substantially flat stiffener, an “I” beam member, a “top hat”-shaped beam member, a “J” beam member, a “C”-shaped beam member,

and a “box” beam member. Naylor does not teach or fairly suggest payload supports as recited in claim 8.

Claims 17, 19, and 21-29

Similarly, claim 17 recites an assembly, comprising a floor assembly including a plurality of elongated engagement members, the engagement members being spaced apart and approximately parallel, each engagement member including a top surface; and a payload assembly including: a payload member positioned proximate the floor assembly; *at least one payload support coupled to the payload member and spanning between an adjacent pair of elongated engagement members, the at least one payload support having first and second end portions coupled to the top surface of each of the adjacent pair of elongated engagement members and being adapted to beam loads from the payload member to the adjacent pair of elongated engagement members, the at least one payload support being further adapted to be decoupled from the adjacent pair of elongated engagement members and moveable with the payload member relative to the floor assembly.* (emphasis added).

As described above, Naylor does not disclose, teach or fairly suggest the apparatus recited in claim 17. Specifically, Naylor does not teach or suggest an assembly that includes *at least one payload support coupled to the payload member and spanning between an adjacent pair of elongated engagement members, the at least one payload support having first and second end portions coupled to the top surface of each of the adjacent pair of elongated engagement members* as recited in claim 17. Naylor teaches a completely opposite structural arrangement whereby “horizontal flanges 18 of the guide rails overlie ledges 19 along the sides of the pallet base portion 16 whereby the rails hold the pallet and the seats it carries against vertical as well as lateral movement.” (2:24-27) (emphasis added). Thus, Naylor does not anticipate or render obvious the apparatus recited in claim 17.

Naylor also does not teach or fairly suggest *the at least one payload support being adapted to beam loads from the payload member to the adjacent pair of elongated supports* as recited in claim 17. As note above, Naylor teaches that the guide rails 12 merely “guide the pallets and restrain them from lateral movement.” (2:6-7), and that the pallet base portions 16 are supported by the conveyors 11. Thus, claim 17 is patentable over Naylor for this additional reason.

Claims 19 and 21-29 depend from claim 17 and are allowable over Naylor for the same reasons as claim 17 and also due to additional limitations contained in those claims. For example, claim 21 recites the assembly of Claim 17, wherein the payload member includes a primary payload component coupled to the at least one payload support, the primary payload component including at least one of a galley, a lavatory, a passenger seat, an attendant seat, a cargo container, a section partition, a fireplace, a shelf, and an article of furniture. Other than a passenger seat, these additional limitations are also not taught or fairly suggested by Naylor.

In addition, claim 23 includes a further limitation that is not disclosed in *Naylor*. Claim 23 recites a recess disposed within an edge of the payload panel and an upper portion in the payload support that is fittingly engaged into the recess. Naylor does not teach a payload support with an upper portion, nor does Naylor teach or suggest a recess formed in the panel to fittingly engage with the upper portion of the support. Accordingly, Naylor does not teach or fairly suggest the additional limitations recited in claim 23.

Claims 30, 32, and 34-39

Amended claim 30 recites an aircraft, comprising a fuselage operatively coupled to an airframe; a propulsion system operatively coupled to the airframe; a floor assembly disposed within the fuselage and coupled to the airframe, the floor assembly including a plurality of elongated engagement members coupled to the airframe, the engagement members being spaced apart and approximately parallel, each engagement member including a top surface; and a

payload assembly including a payload member positioned proximate the floor assembly; *at least one payload support coupled to the payload member and spanning between an adjacent pair of elongated engagement members, the at least one payload support having first and second end portions coupled to the top surface of each of the adjacent pair of elongated engagement members and being adapted to beam loads from the payload member to the adjacent pair of elongated engagement members, the at least one payload support being further adapted to be decoupled from the adjacent pair of elongated engagement members and moveable with the payload member relative to the floor assembly.* (emphasis added).

As described above, Naylor does not disclose, teach or fairly suggest the apparatus recited in claim 30. Specifically, Naylor does not teach or suggest an assembly that includes *at least one payload support coupled to the payload member and spanning between an adjacent pair of elongated engagement members, the at least one payload support having first and second end portions coupled to the top surface of each of the adjacent pair of elongated engagement members* as recited in claim 30. Naylor teaches a completely opposite structural arrangement whereby “horizontal flanges 18 of the guide rails overlie ledges 19 along the sides of the pallet base portion 16 whereby the rails hold the pallet and the seats it carries against vertical as well as lateral movement.” (2:24-27) (emphasis added). Thus, Naylor does not anticipate or render obvious the apparatus recited in claim 30.

Naylor also does not teach or fairly suggest *the at least one payload support being adapted to beam loads from the payload member to the adjacent pair of elongated supports* as recited in claim 30. As note above, Naylor teaches that the guide rails 12 merely “guide the pallets and restrain them from lateral movement.” (2:6-7), and that the pallet base portions 16 are supported by the conveyors 11. Thus, claim 30 is patentable over Naylor for this additional reason.

Claims 32 and 34-39 depend from claim 30 and are allowable over Naylor for the same reasons as claim 30 and also due to additional limitations contained in those claims. For

example, claim 37 recites the aircraft of Claim 30, wherein the payload member includes a primary payload component coupled to the at least one payload support, the primary payload component including at least one of a galley, a lavatory, a passenger seat, an attendant seat, a cargo container, a section partition, a fireplace, a shelf, and an article of furniture. Other than a passenger seat, these additional limitations are also not taught or fairly suggested by Naylor.

In addition, claim 35 includes a further limitation that is not disclosed in *Naylor*. Claim 35 recites a recess disposed within an edge of the payload panel and an upper portion in the payload support that is fittingly engaged into the recess. Naylor does not teach a payload support with an upper portion, nor does Naylor teach or suggest a recess formed in the panel to fittingly engage with the upper portion of the support. Accordingly, Naylor does not teach or fairly suggest the additional limitations recited in claim 35.

Claims 40-41 and 44-48

Similarly, claim 40 recites a method of securing a payload to a support structure, comprising coupling a plurality of elongated engagement members of a floor assembly to the support structure, the engagement members being spaced apart and approximately parallel, each engagement member including an engagement surface; and providing a payload assembly including a payload member and a payload support coupled to the payload member, *the payload support having first and second end portions and being adapted to span between an adjacent pair of engagement members; removably coupling the first and second end portions of the payload support with an upper surface of each of the adjacent pair of engagement members; and at least partially transmitting loads from the payload member through the payload support to the adjacent pair of engagement members.* (emphasis added).

Naylor does not disclose, teach or fairly suggest the method recited in claim 40. Specifically, Naylor does not teach or suggest a method that includes providing a payload assembly including a payload member and a payload support coupled to the payload member, *the payload support having first and second end portions and being adapted to span between an*

adjacent pair of engagement members, and removably coupling the first and second end portions of the payload support with an upper surface of each of the adjacent pair of engagement members; as recited in claim 40. Naylor teaches a completely opposite structural arrangement whereby “horizontal flanges 18 of the guide rails overlie ledges 19 along the sides of the pallet base portion 16 whereby the rails hold the pallet and the seats it carries against vertical as well as lateral movement.” (2:24-27) (emphasis added). Thus, Naylor does not anticipate or render obvious the method recited in claim 40.

Naylor also does not teach or fairly suggest *at least partially transmitting loads from the payload member through the payload support to the adjacent pair of engagement members* as recited in claim 40. As note above, Naylor teaches that the guide rails 12 merely “guide the pallets and restrain them from lateral movement.” (2:6-7), and that the pallet base portions 16 are supported by the conveyors 11. Thus, claim 40 is patentable over Naylor for this additional reason.

Claims 41 and 44-48 depend from claim 40 and are allowable over Naylor for the same reasons as claim 40 and also due to additional limitations contained in those claims. For example, claim 44 recites the method of claim 40 wherein providing a payload assembly comprises providing a payload assembly having a primary payload component operatively coupled to the at least one payload support, the primary payload component including at least one of a galley, a lavatory, a passenger seat, an attendant seat, a cargo container, a section partition, a fireplace, a shelf, and an article of furniture. Other than a passenger seat, these additional limitations are also not taught or fairly suggested by Naylor.

In addition, claim 46 recites method of Claim 45, wherein providing a payload assembly having a payload panel comprised providing a payload assembly having at least one recess disposed within a peripheral edge of the payload panel, the at least one payload support having an upper portion that is operatively fittingly engaged into the at least one recess. Naylor does not teach a payload support with an upper portion, nor does Naylor teach or suggest a recess formed

in the panel to fittingly engage with the upper portion of the support. Accordingly, Naylor does not teach or fairly suggest the additional limitations recited in claim 46.

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 1, 3, 5-17, 19, 21-30, 32, 34-41, and 44-48 as being anticipated by Naylor.

CONCLUSION

Applicants respectfully submit that pending claims 1, 3, 5-17, 19, 21-30, 32, 34-41, and 44-48 are now in condition for allowance, and that action is requested. If there are any remaining matters that may be handled by a telephone conference, the Examiner is kindly invited to telephone the undersigned.

Respectfully submitted,

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MAIL CERTIFICATE

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